

The Public Employment Relations Commission

Code of Ethics

The New Jersey Conflicts of Interest Law, N.J.S.A. 52:13D-12 et seq., together with regulations set forth at N.J.A.C. 19:61-1 et seq., applies to all Commission officers and employees and establishes standards of conduct for State officers and employees.

In accordance with N.J.S.A. 52:13D-23 and Executive Order #10, the Public Employment Relations Commission promulgates this Code of Ethics to govern the conduct of its officers and employees as defined by N.J.S.A. 52:13D-13(b) and 13 (e).

The Commission is a neutral agency that fosters an effective labor relations process in the public sector. Its mission cannot be accomplished unless its neutrality, integrity, and professionalism are safeguarded. Therefore, in addition to the purposes and goals stated in N.J.S.A. 52:13D-12 and N.J.S.A. 52:13D-23, the Commission promulgates this code to ensure public confidence in the agency's neutral administration and enforcement of the New Jersey Employer-Employee Relations Act and related laws, to protect the integrity of the agency's superintendence of the labor relations process, and to promote the agency's professionalism and public respect.

1. GENERAL DUTIES OF OFFICERS AND EMPLOYEES

- A. Officers and employees shall hold office or employment as a public trust and shall strive to preserve and protect the public's confidence in the Commission's fair and neutral execution of its duties.

2. Officers and employees shall make decisions on a fair and impartial basis and without regard to race, color, sex, religion, age, handicap, national origin, marital status, affectional or sexual orientation, political affiliation or other improper consideration.

3. Officers and employees shall perform their duties with professionalism and with courtesy to other officers and employees of the Commission and all members of the public.

4. Officers and employees shall hold in public trust any property owned or leased by the State, or any other property or funds entrusted to them in their duties and shall exercise reasonable care to protect such property from waste, destruction, or improper use.

2. DUTIES RELATED TO PERFORMANCE OF OFFICE AND EMPLOYMENT

A. Officers and employees shall avoid any knowing conduct that might reasonably be expected to create an impression or suspicion among the public having knowledge of their acts that they are engaged in conduct violative of the public trust.

B. Officers and employees shall not use an official position to secure unwarranted privileges, benefits, or advantages for themselves or others.

C. Officers and employees shall not act in an official capacity in any matter in which they have a direct or indirect interest, financial or otherwise, which might reasonably be expected to impair their objectivity and independence of judgment in discharging their duties.

D. Officers and employees shall not further any private interest by disclosing confidential information, not available to the public, acquired in the course of their duties

or by virtue of their public employment.

E. Officers and employees shall not falsify, or knowingly alter, destroy or conceal any writing or record or other form of evidence required to be kept by law or regulation or Commission policy and entrusted to them in the course of their duties.

3. OUTSIDE INTERESTS AND EMPLOYMENT

A. Officers and employees shall not have any direct or indirect interest, financial or otherwise, that is in substantial conflict with the proper discharge of Commission duties.

B. Officers and employees shall not engage in any transaction, business, or professional activity that is in substantial conflict with the proper discharge of Commission duties.

C. Officers and employees shall not engage in any business, profession, trade or occupation that is subject to licensing or regulation by a State agency without first simultaneously filing a notice of such activity with the Executive Commission on Ethical Standards and a copy of the notice with the Commission's Ethics Officer.

D. Officers and employees shall not undertake any employment, self-employment, or service, whether compensated or not, that might reasonably be expected to impair the objectivity and independence of judgment required to discharge their official duties or to bring the Commission's neutrality into question. Commission employees shall comply with the Commission's policy on outside employment (copy attached) and the Ethics Officer shall file annual disclosure forms with the Executive Commission on Ethical Standards as required by law.

E. The Chairman of the Commission and the directors of each section are

prohibited from having any personal contractual or business relationship with any other officer or employee of the agency or any special State officer or employee of the agency.

4. GIFTS, CONFERENCES, AND REGULATED PUBLIC EVENTS

A. An officer or employee shall not accept any gift, favor, service, employment or offer of employment or anything of value which the officer or employee knows or has reason to believe has been given or offered for the purpose of influencing him or her in discharging official duties. Employees shall report all such gifts or offers to the Ethics Officer.

B. Unsolicited gifts or benefits of trivial or nominal value such as complimentary articles offered to the public are presumed not to violate the provisions of paragraph A of this section unless circumstances create a reasonable doubt as to the intention with which this benefit or gift was offered.

5. SPECIAL OBLIGATIONS OF COMMISSIONERS, ATTORNEYS, HEARING EXAMINERS AND OFFICERS, MEDIATORS, FACT-FINDERS, AND ARBITRATORS

A. The Commission is composed of two members representative of public employers, two members representative of public employee organizations, and three members representative of the public. The Chair is a full-time public member and the other six Commissioners all serve on a per diem basis. N.J.S.A. 34:13A-5.2. While the Legislature desired the expertise and shared perspectives of employer and employee organization representatives, the Executive Commission on Ethical Standards has ruled that Commissioners may not participate in votes or Commission discussions of cases involving organizations with which they are affiliated or over which they have jurisdiction,

or involving organizations which are affiliated with the organization they represent.

B. Attorneys shall comply with the New Jersey Rules of Professional Conduct and other court rules, directives, or statutes governing their conduct.

C. Hearing Examiners and Officers shall comply with the Code of Judicial Conduct.

D. Mediators shall comply with the Code of Professional Conduct for Labor Mediators.

E. Fact-finders shall comply with the Code of Professional Conduct for Labor Mediators and the Code of Professional Responsibility for Arbitration of Labor-Management Disputes of the National Academy of Arbitrators, The American Arbitration Association, and the Federal Mediation and Conciliation Service as each code applies to the function they are performing at any given time.

F. Arbitrators shall be guided by the objectives and principles set forth in the Code of Professional Responsibility for Arbitration of Labor-Management Disputes of the National Academy of Arbitrators, the American Arbitration Association, and the Federal Mediation and Conciliation Service.

6. ASSISTANCE

Officers and employees who have a reasonable doubt as to any action's propriety under this Code or other Commission regulation or policy or under the Conflicts of Interest Law or regulations promulgated by the Executive Commission on Ethical Standards shall seek the assistance of the Commission's Ethics Officer to resolve the doubt before taking that action. Such assistance shall also be sought when reasonable doubt exists as to the application or meaning of any provision of this Code or the Conflicts of Interest Law.

7. PENALTIES

Persons who violate this Code of Ethics may be subject to disciplinary action.

8. EFFECTIVE DATE

This Code of Ethics, subject to the approval of the Executive Commission on Ethical Standards, shall take effect immediately. It supersedes any

previous code.

2/9/05